

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

R. TAYLOR SPEER,

Plaintiff,

v.

**Lakeview Loan Servicing, LLC and
LoanCare, LLC**

Defendants.

C/A No.: 6:19-cv-03134-HMH

**LOCAL CIVIL RULE 26.03 INFORMATION PROVIDED BY DEFENDANTS
LAKEVIEW LOAN SERVICING, LLC AND LOANCARE, LLC**

Pursuant to Local Civil Rule 26.03 and the Rule 26(f) of the Federal Rules of Civil Procedure, the undersigned provides the following information:

1. A short statement of the case.

RESPONSE:

Defendants Lakeview Loan Servicing, LLC and LoanCare, LLC service Plaintiff's home mortgage. As was the Defendants' contractual right, Defendants advanced those sums necessary to pay the taxes assessed by the relevant taxing authority. The annual assessment had increased, so the escrow account had a shortage. As a result, Defendants increased the portion of the monthly payment for escrow. Despite this, the Plaintiff did not increase the monthly payments, causing him to go into default. Plaintiff later appealed the heightened assessment and was refunded certain funds. However, based upon Plaintiff's failure to pay all sums due on the mortgage, including the heightened escrow payment, Plaintiff fell into default. Defendant

received and responded to a qualified written request brought by Plaintiff and has taken certain steps to resolve the issues raised by Plaintiff.

2. The names of fact witnesses likely to be called by the parties and a brief summary of their expected testimony.

RESPONSE:

Mr. and Mrs. R. Taylor Speer have knowledge of and will testify concerning the dispute and the mortgage loan.

Representatives of Lakeview Loan Servicing, LLC, are expected to have knowledge concerning Plaintiff's loan, including payments made, and escrow issues, and communications with the Plaintiff.

Representatives of LoanCare, LLC, are expected to have knowledge concerning Plaintiff's loan, including payments made, and escrow issues, and communications with the Plaintiff.

Representatives of the Greenville County Tax Collector and Tax Assessor are expected to have knowledge of the assessment of taxes on the property and sums owed.

Representatives of the relevant credit reporting agencies, expected to have knowledge of Plaintiff's disputes, transmittals to Defendants, and Defendants' responses.

The Defendants reserve the right to call as potential witness(es) any third-parties that 1) have knowledge of Plaintiff's damages; 2) are named as witnesses by any party to this action; 3) received an application for credit from the Plaintiff.

3. The name and subject matter of expert witnesses.

RESPONSE:

Defendants will comply with the scheduling order regarding expert testimony and provide the requested information at that time.

- 4. A summary of the claims and defenses with statutory and/or case law supporting the same.**

RESPONSE:

Plaintiff's claims and Defendants' defenses relate to the Real Estate Settlement Procedures Act, 12 U.S.C. 2601, et. seq. and South Carolina common law. Relevant law includes:

- (a) Common Law standard for Unjust Enrichment, Negligence, and Conversion**
- (b) The economic loss rule as laid out in Bennett v. Ford Motor Co., 236 F.Supp.2d 558 (D. S.C. 2002)**
- (c) 12 U.S.C. 2601, et. seq. and cases interpreting the statute.;**
- (d) 15 U.S.C. 1651, et. Seq and cases including the statute and the preemptory effect of this statute on other causes of action**

Defendants reserve the right to supplement this response after further investigation.

Respectfully submitted this 17th day of December, 2019.

By: s/Alanna Beth Herman
Alanna Beth Herman (Fed ID #12998)
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
1501 Main Street, Suite 310
Columbia, South Carolina 29201
Tel. 803.251.8820
abherman@bakerdonelson.com

*Attorneys for Defendants Lakeview Loan Servicing, LLC
and LoanCare, LLC*